

### **REMARKS**

The Final Office Action dated November 2, 2007 addresses claims 28-42. The Examiner rejects claims 28-35, 37-42 and objects to claim 36. This Amendment and Response addresses the issues raised by the Examiner in the subject Final Office Action as well as the Examiner's remarks in the Advisory Action dated February 27, 2008.

#### ***Amendments to the claims***

Since the Amendment in Response to Final Office Action submitted on January 29, 2008 was not entered, Applicant now submits claim amendments herein.

Applicant has amended independent claim 28 to specify a *dry* food source. Support for this amendment is found in the specification, for example, at page 6, lines 27-29 as well as at page 4, lines 5-10. In addition, claim 37 is cancelled.

These amendments do not add new matter.

#### ***Claim rejections***

Claims 28-35 and 37-42 are rejected pursuant to 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,972,273 of Sedun et al. ("Sedun"). Applicant respectfully submits that this rejection is obviated by Applicant's amendment of independent claim 28 and cancellation of dependent claim 37.

Claim 28, as amended, recites a pesticidal composition comprising, among other components, a *dry* food source effective as a bait edible to pests. Applicant submits that Sedun neither teaches nor suggests any dry food bait source whatsoever. The Examiner argues that Sedun refers to amino acids and carboxylic acids, fatty acids, urea, and glycols, which may be effective as a bait. In the first place, Sedun does not disclose any bait component. In any event, however, none of these compounds constitute a *dry* food source, but instead, are wetting agents and /or humectants. (See Sedun, for example, at col. 5, line 67-col.6, line 7.) Therefore, Applicant submits that amended claim 28, which requires dry baits, distinguishes over Sedun. In this regard, the Examiner concedes in the November 02, 2007 Office Action that Applicant's "specification of the inventive foods as of claim 36," which include dry food sources, is not obvious in view of Sedun nor disclosed by Sedun.

Accordingly, Applicant respectfully submits that independent claim 28 as amended, as well as claims 29-36 and 37-42 which depend therefrom, represent patentable subject matter over Sedun and allowance is therefore solicited.

***Conclusion***

In view of the foregoing amendments and remarks, Applicant submits that all claims are pending claims are in condition for allowance, and allowance is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicant if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,

Dated: March 12, 2008

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